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EXAMINER

KALINOWSKI, A

ART UNIT

PAPER NUMBER

2761

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/650,834

Applicant(s)
Stephen C. Wren

Examiner
Alexander Kalinowski

Group Art Unit
2761



☒ Responsive to communication(s) filed on Mar 16, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 10-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 10-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

A decision on the Petition to make special will be forthcoming.

B 228-00

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Claims 10-19 are presented for examination. The previous outstanding final rejection of claims 10-19 was withdrawn (see Paper No. 12). The Examiner conducted a new search for prior art. The Examiner applied the newly found prior art to reject claims 10-19 based on 35 USC 103 as set forth in detail below. Therefore, claims 10-19 are rejected based on new grounds of rejection as set forth in the outstanding non-final rejection below.

Remarks

2. With respect to the Lockwood reference, the reference is a continuation of the combination of applications 08/116,654 and 08/096,610 (col. 1, lines 24-27). Application 08/116,654 is a continuation of application 07/396,283 filed 8/21/89. Application 08/096,610 is a continuation of application 07/752,026 filed 8/29/91. Therefore, the Lockwood reference has a priority date of at least 8/29/91.

3. With respect to the Bancshares reference, the reference discloses that the system described in the reference was demonstrated at a conference in Spring, 1991. Therefore, the system disclosed in Bancshares has a priority date of Spring, 1991.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood, Pat. No. 5,576,951 in view of "Coming Soon to an ATM Near You: Video NCR: To supply video capabilities to ATM's of Huntington Bancshares"(hereinafter Bancshares).

a. As to claim 10, Lockwood discloses a system for remotely negotiating a face to face sales transaction between a customer in one of the remote facilities and an agent at the central facility (i.e. means of a system connecting financial institution data processing, computer services of a credit reporting bureau and a plurality of remote terminals displaying the live image of a fictitious loan officer who helps applicant through a series of questions and answers designed to solicit all the information necessary to process a loan application)(see Fig. 1, abstract, and col. 6, lines 21-28) comprising:

means for connecting a remote computer facility unit 102 (i.e. information and sales terminal) with the central computerized facility 101(i.e. financial institution)(col. 12, lines 37-44)

means for storing in a central computerized facility 201, computerized graphics, video, audio (i.e. audio-visual segments) and data (i.e. alphanumeric price and stock information)(see Fig. 12, and col. 18, lines 9-15),

means enabling the central computerized facility to transmit graphics, audio, and data to the remote computerized facility (Lockwood discloses an alternative embodiment which discloses means enabling the central computerized facility to transmit graphics, audio, video, and data to

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the remote computerized facility (i.e. data sources consist of audio-visual data sources and data sources stored in the central computerized facility (i.e. data processing center 201). Customer requests an audio-visual presentation and the central computerized facility transmits graphics, audio, and data to the remote computerized facility.)(see Fig. 12 and col. 18, lines 9-12 and lines 51-62),

means enabling the central computerized facility to transmit graphics in the form of video, audio, and data in the form of text relating to goods and services being offered at the remote facility (i.e. customer requests for audio-visual presentations ... routed to the customer's terminal. This continues until the customer decides to purchase a product or service.)(col. 18, line 46 - col. 19);

electronic and computing means at a remote computerized facility adapted to receive and download computerized graphics, audio and data (i.e. customer requests for audio-visual presentations ... routed to the customer's terminal.)(col. 18, lines 46 - 56),

means at the remote facility for displaying said video images and text , and for playing said audio for the customer at the remote facility (i.e. once the system is activated, the recording of an image and sound is read and appears on the video screen)(col. 14, lines 15-29),

input means enabling a customer at the remote computerized facility to access and view specific information about the goods and services (i.e. loan application) at the central computerized facility, said input means being one of (a) a touch screen input means (b) voice input means, (c) keyboard input means (i.e. touchpad or a keyboard), (d) cursor input means and

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(e) video camera and microphone input means, and said viewing means being a terminal with display and sound playing capabilities (col. 13, line 66 - col. 14, line 8),

means enabling a customer after viewing the goods and services information to electronically negotiate a contract relative to the goods and services, said means being one of (a), (b), (c), (d), and (e) (i.e. applicant is first asked to select the type of loan in which he is interested ... Once a loan quotation has been presented to the applicant he is asked whether or not he wants to apply for the loan)(col. 14, line 49-col. 15, line 10 and col. 15, lines 33-42),

means enabling the central computerized facility to generate and transmit a contract, so negotiated, to the remote computerized facility for review (i.e. once the previous quotation is requested, the DMA unit of the terminal is allowed to receive a batch of information containing the previous quotation ... and displayed on the video screen)(col. 15, lines 21-27), and

means for allowing the remote user to download and print out any contracts, applications, authorizations, or other transaction specific paperwork (i.e. loan packages which have been quoted to customers are stored at the central processor and downloaded to the remote terminal when requested)(col. 13, lines 2-5, lines 20-44, and col. 14, lines 29-37).

Lockwood does not disclose

storing audio, video, and data in a database in the central computerized facility.

However, the Examiner takes official notice that it was well known in the computer arts at the time of Applicant's invention to use a database to store audio, video and data. A database provides a large storage capacity comprising a file of records that facilitate searching, storing and

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recombination operations. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include storing audio, video, and data in a database in the central computerized facility within the Lockwood system in order to take advantage of the storage capabilities of a database to permit the system to efficiently search, store and recombine records thereby increasing the efficiency and cost of an automated system.

Lockwood does not explicitly disclose

transmitting audio in the form of computerized voice and music.

However, the Examiner takes official notice that it was well known at the time of Applicant's invention to transmit audio in the form of computerized voice and music. Use of computerized voice and music attracts the attention of potential customers to purchase products . It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include transmitting audio in the form of computerized voice and music within the Lockwood system in order to attract the attention of potential customers to use the automated system to purchase products and services.

Lockwood does not explicitly disclose

means at the central computerized facility for transmitting live video and audio to the remote location, and

means for selectively allowing the customer to interact with a live representative via video or audio or any combination thereof, simultaneous to the presentation of information on goods or services.

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However, Bancshares discloses a two way video capable computerized services presentation (i.e. banking) system allowing a customer service representative at a central location to interact with a customer at a remote computer page 1, lines 14-24). The Bancshares system discloses a central computer transmitting live video and audio to a customer at the remote computer (page 1, lines 19-23). The system permits customers to interact (i.e. allows customers to speak to bank representatives about anything from CD rates to loans) with a live representative simultaneous to a presentation on goods and services (page 2, lines 6-11). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means at the central computerized facility for transmitting live video and audio to the remote location, and means for selectively allowing the customer to interact with a live representative via video or audio or any combination thereof, simultaneous to the presentation of information on goods or services as disclosed by Bancshares within the Lockwood system in order to serve customers as quickly as possible and at the lowest cost possible yet still retain personal interaction with the customer (page 1, lines 19-21).

b. As to claim 11, the system of claim 10 including means for linking the remote computerized facility with a plurality of central computerized facilities unit 204 enabling a customer to connect with a second different central computerized facility 204 after having been connected with a first central computerized facility 204 (see Fig. 12 and col. 16, lines 43-51.

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c. As to claim 12, the system of claim 10 wherein the services are financial (col. 12, lines 29-31).

d. As to claim 13, the system of claim 10 wherein the service are real estate transactions (i.e. sale of real estate property)(col. 16, lines 24-26).

e. As to claim 14, the system of claim 10 including means adapted to enable a customer to browse to a higher information level to learn about goods and services at that level of knowledge (the customer can locate a specific product or service by defining his selections through the menu ... Therefore, within three consecutive interactions , the customer commences evaluation of various lamp features) (col. 21, lines 4-17).

f. As to claim 19, the system of claim 15 including means for recording a stopping point in the customer's last on-line presentation in case contact is resumed (i.e. customer requests a previous quotation from the central computerized facility to be displayed at the remote computerized facility)(col. 15, lines 21-28).

6. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood and Bancshares as applied to claim 10 above, and further in view of Filepp et al., Pat. No. 5,347,632 (hereinafter Filepp).

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a. As to claim 15, Lockwood and Bancshares do not explicitly disclose the system of claim 10 including means for recording customer responses during use of the system to build a customer profile.

However, Filepp discloses a computerized system that records customer preferences (i.e. responses) with respect to products offered for sale or purchased by the customer(col. 2, lines 46-50 and col. 93, lines, lines 28-43). The recorded customer responses represent the customer profile information, detailing user activity for the customer using the computerized system (col. 5, lines 22-33). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for recording customer responses during use of the system to build a customer profile as disclosed by Filepp within the Lockwood and Bancshares system in order to target advertisements ro product offers to specific customers based on consumer marketing strategies developed from the customer profile information (col. 93, lines 39-43).

b. As to claim 16, Lockwood and Bancshares do not explicitly disclose the system of claim 15 including means for using the customer's profile information to determine information to be presented to him.

However, Filepp discloses a computerized system that records customer preferences (i.e. responses) with respect to products offered for sale or purchased by the customer(col. 2, lines 46-50 and col. 93, lines, lines 28-43). The recorded customer responses represent the customer

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profile information, detailing user activity for the customer using the computerized system (col. 5, lines 22-33). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for using the customer's profile information to determine information to be presented to him as disclosed by Filepp within the Lockwood and Bancshares system in order to target advertisements or product offers (i.e. information) to specific customers based on consumer marketing strategies developed from the customer profile information (col. 93, lines 39-43).

c. As to claim 17, Lockwood and Bancshares do not explicitly disclose the system of claim 15 including means for periodically updating the customer profile.

However, Filepp discloses a computerized system that records customer preferences (i.e. responses) with respect to products offered for sale or purchased by the customer (col. 2, lines 46-50 and col. 93, lines, lines 28-43). The recorded customer responses represent the customer profile information, detailing user activity for the customer using the computerized system (col. 5, lines 22-33). Furthermore, the information is gathered each time the user accesses the system (i.e. periodically) (col. 93, lines 19-26). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for periodically updating the customer profile as disclosed by Filepp within the Lockwood and Bancshares system in order to target advertisements or product offers to specific customers based

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on consumer marketing strategies developed from the customer profile information (col. 93, lines 39-43).

d. As to claim 18, Lockwood and Bancshares do not explicitly disclose the system of claim 15 including means for periodically providing commercials during a customer's request for additional information.

However, Filepp discloses a computerized system that records customer preferences (i.e. responses) with respect to products offered for sale or purchased by the customer(col. 2, lines 46-50 and col. 93, lines, lines 28-43). The recorded customer responses represent the customer profile information, detailing user activity for the customer using the computerized system (col. 5, lines 22-33). Furthermore, the customer profile is used to determine which advertisements to transmit to the customer while the customer is using the system (col. 93, lines 39-43). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for periodically providing commercials during a customer's request for additional information as disclosed by Filepp within the Lockwood and Bancshares system in order to target advertisements (i.e. information) to specific customers based on consumer marketing strategies developed from the customer profile information to provide advertisements for other products which might be of interest to the customer (col. 93, lines 39-43).

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Live, from Huntington - 24 Hour Video Bankers" discloses an automated device that provides customer information on financial services and permits customers to communicate directly with a bank employee.

b. "Multimedia Systems Add Hype to In-Office Presentations, Despite Skepticism" discloses using video, audio and graphics in computer systems for marketing and sales presentations.

c. "New uses for debit cards emerge; video conferences and mini cash machines offered" discloses using self service terminals to present financial products to customers and through videoconferencing, connects the customers to customer service representatives.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 8:30 AM to 6:00 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Emanuel Todd Voeltz, can be reached on (703) 305-9714. The fax telephone number for this group is (703) 305-0040.

Alexander Kalinowski *AK*

2/14/00

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